

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 345 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 3 and safety and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS
- 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2008]:
- 9 **Chapter 18. Citizenship and Immigration Status Information**
- 10 **Sec. 1. As used in this chapter, "governmental body" has the**
- 11 **meaning set forth in IC 5-22-2-13.**
- 12 **Sec. 2. A governmental body may not enact an ordinance, a**
- 13 **resolution, a rule, or a policy that prohibits or in any way restricts**
- 14 **another governmental body, including a law enforcement officer**
- 15 **(as defined in IC 5-2-1-2), a state or local official, or a state or local**
- 16 **government employee, from taking the following actions with**
- 17 **regard to information concerning the citizenship or immigration**
- 18 **status, lawful or unlawful, of an individual:**
- 19 **(1) Communicating or cooperating with federal officials.**
- 20 **(2) Sending to or receiving information from the United States**
- 21 **Department of Homeland Security.**
- 22 **(3) Maintaining information.**
- 23 **(4) Exchanging information with another federal, state, or**
- 24 **local government entity.**

1 **Sec. 3. If a governmental body violates this chapter, a person**
 2 **lawfully domiciled in Indiana may bring an action to compel the**
 3 **governmental body to comply with this chapter."**

4 Page 3, between lines 23 and 24, begin a new paragraph and insert:
 5 "SECTION 3. IC 10-11-2-21.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2008]: **Sec. 21.5. (a) As used in this section,**
 8 **"law enforcement officer" means a:**

- 9 (1) police employee;
- 10 (2) county sheriff;
- 11 (3) county police officer;
- 12 (4) county police reserve officer;
- 13 (5) city police officer;
- 14 (6) city police reserve officer;
- 15 (7) town marshal;
- 16 (8) deputy town marshal; or
- 17 (9) member of a consolidated law enforcement department
- 18 established under IC 36-3-1-5.1.

19 (b) The superintendent shall negotiate the terms of a
 20 memorandum of understanding between the state and the United
 21 States Department of Justice or the United States Department of
 22 Homeland Security concerning a pilot project for the enforcement
 23 of federal immigration and customs laws in Indiana.

24 (c) The memorandum of understanding described in subsection
 25 (b) must be signed on behalf of the state by the superintendent and
 26 governor, unless otherwise required by the United States
 27 Department of Justice or the United States Department of
 28 Homeland Security.

29 (d) The superintendent shall designate appropriate law
 30 enforcement officers to be trained under the memorandum of
 31 understanding described in subsection (b).

32 (e) The department shall apply for federal funding, as available,
 33 for the costs associated with training law enforcement officers
 34 under the memorandum of understanding described in subsection
 35 (b).

36 (f) A law enforcement officer certified as trained in accordance
 37 with the memorandum of understanding described in subsection
 38 (b) may enforce federal immigration and customs laws while
 39 performing within the scope of the law enforcement officer's
 40 duties.

41 (g) The superintendent shall coordinate efforts, as needed, with
 42 the executive director of the department of homeland security to
 43 address issues of national security in implementing this section.

44 SECTION 4. IC 22-1-1-22 IS ADDED TO THE INDIANA CODE
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 46 1, 2009]: **Sec. 22. (a) The department of labor shall employ a**
 47 **sufficient number of administrative law judges to hear and decide**

cases initiated by the department under IC 22-5-1.5.

(b) An administrative law judge employed by the department is subject to IC 4-21.5.

SECTION 5. IC 22-4-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) As used in this section, "SAVE program" means the Systematic Alien Verification of Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security.

(b) For weeks of unemployment occurring subsequent to December 31, 1977, benefits may not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence at the time the services are performed, is lawfully present for purposes of performing the services, or otherwise is permanently residing in the United States under color of law at the time the services are performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 207, Section 208, or Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1157 through 1158).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his the individual's alien status may be made except upon a preponderance of the evidence.

(3) Any modifications to the provisions of Section 3304(a)(14) of the Federal Unemployment Tax Act, as provided by P.L.94-566, which specify other conditions or other effective date than stated in this section for the denial of benefits based on services performed by aliens and which are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be considered applicable under this section.

(c) If an individual who applies for benefits is not a citizen or national of the United States, the department shall verify the lawful presence of the individual to determine the individual's eligibility for benefits through the SAVE program. The department shall implement this subsection in accordance with federal law."

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 8. IC 22-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.5. Employment of Unauthorized Aliens

1 **Sec. 1. (a) This chapter applies only to an employee that an**
 2 **employer hires after June 30, 2009.**

3 **(b) Except as provided in subsection (c), this chapter does not**
 4 **apply to the following:**

5 **(1) A public utility (as defined in IC 8-1-2-1(a)) that is subject**
 6 **to regulation by the Indiana utility regulatory commission**
 7 **under IC 8-1-2.**

8 **(2) A hospital licensed under IC 16-21.**

9 **(3) A private psychiatric institution licensed under IC 12-25.**

10 **(4) A community mental health center identified in**
 11 **IC 12-29-2-1.**

12 **(5) A nonprofit corporation.**

13 **(6) A person who operates a business of transporting**
 14 **emergency patients by ambulance or using a nontransporting**
 15 **emergency medical services vehicle (as defined in**
 16 **IC 16-31-3-0.5).**

17 **(7) A corporation organized under IC 8-1-13.**

18 **(8) A corporation organized under IC 23-17 that is an electric**
 19 **cooperative and that has at least one (1) member that is a**
 20 **corporation organized under IC 8-1-13.**

21 **(9) A municipally owned utility (as defined in IC 8-1-2-1(h)).**

22 **(c) The entities listed in subsection (b) are subject to section 29**
 23 **of this chapter.**

24 **Sec. 2. As used in this chapter, "agency" means any state or**
 25 **local administration, agency, authority, board, bureau,**
 26 **commission, committee, council, department, division, institution,**
 27 **office, service, or other similar body of government created or**
 28 **established by law that issues a license for purposes of operating a**
 29 **business in Indiana.**

30 **Sec. 3. As used in this chapter, "department" refers to the**
 31 **department of labor.**

32 **Sec. 4. As used in this chapter, "employee" means an individual**
 33 **who:**

34 **(1) performs services for an employer; and**

35 **(2) is an individual from whom the employer is required to**
 36 **withhold wages under IC 6-3-4-8 or is an employee described**
 37 **in IC 6-3-4-8(l).**

38 **Sec. 5. (a) As used in this chapter, "employer" means a person**
 39 **that:**

40 **(1) transacts business in Indiana;**

41 **(2) has a license issued by an agency; and**

42 **(3) employs one (1) or more individuals who perform**
 43 **employment services in Indiana.**

44 **However, if the person for whom the employee performs or**
 45 **performed the services does not have control of the payment of the**
 46 **wages for the services, the term "employer" means the person**
 47 **having control of the payment of wages to the employee.**

(b) The term includes the state, a political subdivision (as defined in IC 3-5-2-38) of the state, and a self-employed person.

Sec. 6. As used in this chapter, "knowingly" has the meaning set forth in IC 35-41-2-2.

Sec. 7. (a) As used in this chapter, "license" means any agency permit, certificate, approval, registration, charter, or similar authorization that is:

(1) required by law; and

(2) issued by an agency;

for purposes of operating a business in Indiana.

(b) The term does not include an occupational or a professional license.

Sec. 8. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 9. As used in this chapter, "pilot program" means the employment verification pilot program administered by the United States Department of Homeland Security and the Social Security Administration, or the successor of that program.

Sec. 10. As used in this chapter, "unauthorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).

Sec. 11. An employer shall not knowingly employ an unauthorized alien.

Sec. 12. (a) The attorney general may investigate a complaint filed with the attorney general that an employer knowingly employed an unauthorized alien in violation of section 11 of this chapter.

(b) In investigating a complaint under subsection (a), the attorney general shall verify the work authorization of the alleged unauthorized alien with the federal government under 8 U.S.C. 1373(c).

(c) A complaint filed with the attorney general under subsection (a) must be:

(1) in writing; and

(2) signed by the individual filing the complaint.

Sec. 13. A state, county, or local official or employee may not attempt to make independently a final determination as to whether an individual is authorized to work in the United States.

Sec. 14. (a) If, after an investigation, the attorney general determines that an employer has knowingly employed an unauthorized alien, the attorney general shall notify the United States Immigration and Customs Enforcement.

(b) If the attorney general determines that an employer has knowingly employed an unauthorized alien and that any defenses to knowingly employing an unauthorized alien established under this chapter do not apply, the attorney general may notify the department.

(c) The attorney general may not notify the department under subsection (b) about an unauthorized alien unless the attorney general determines that the defenses to knowingly employing an unauthorized alien established under this chapter do not apply.

Sec. 15. (a) If the attorney general notifies the department under section 14 of this chapter that an employer has knowingly employed an unauthorized alien, the department may initiate an administrative proceeding to determine if the employer has violated section 11 of this chapter.

(b) An administrative hearing under this chapter shall be conducted by an administrative law judge appointed by the department under IC 22-1-1-22.

(c) IC 4-21.5 applies to an administrative proceeding under this section.

(d) The department may initiate only one (1) administrative proceeding against an employer relating to the employment of all unauthorized aliens employed by the employer at the time the department initiates the administrative proceeding.

(e) The department may initiate an additional administrative proceeding against an employer under this section for a second or subsequent violation of section 11 of this chapter only for violations allegedly committed by the employer after the employer receives notice that the department has initiated an initial administrative proceeding against the employer under this section.

Sec. 16. If the department initiates an administrative proceeding under section 15 of this chapter, an administrative law judge may hold an administrative hearing and make a determination on an expedited basis.

Sec. 17. (a) Except as provided in sections 19 and 20 of this chapter, if an administrative law judge determines that an employer knowingly employed an unauthorized alien in violation of section 11 of this chapter, the following apply:

(1) The administrative law judge may do the following:

(A) Order the employer to terminate the employment of all unauthorized aliens employed by the employer.

(B) Place the employer on probation for a three (3) year period. During the probationary period, the employer shall file a quarterly report with the attorney general concerning each new individual the employer hires at the specific business location where the unauthorized alien worked.

(C) Order the employer to file a sworn affidavit signed by the employer with the department within three (3) business days after the order is issued under clause (A). The affidavit must include a statement that the employer:

(i) has terminated the employment of all unauthorized aliens; and

- 1 (ii) will not knowingly employ an unauthorized alien.
- 2 (2) The administrative law judge, after considering the
- 3 relevant factors listed in subsection (b), may order an agency
- 4 to suspend, for not more than ten (10) business days, a license
- 5 described in section 18(a) of this chapter that is held by the
- 6 employer.
- 7 (b) An administrative law judge may consider the following
- 8 factors, if applicable, in deciding whether to order an agency to
- 9 suspend an employer's license under subsection (a)(2):
- 10 (1) The number of unauthorized aliens employed by the
- 11 employer.
- 12 (2) Any prior misconduct by the employer.
- 13 (3) The degree of harm resulting from the violation.
- 14 (4) The extent to which the employer made good faith efforts
- 15 to comply with any applicable requirements under this
- 16 chapter.
- 17 (5) The duration of the violation.
- 18 (6) The role of the directors, officers, or agents of the
- 19 employer in the violation.
- 20 (7) Any other factors the administrative law judge considers
- 21 relevant.
- 22 **Sec. 18. (a) This section applies to all licenses held by an**
- 23 **employer:**
- 24 (1) that are necessary to operate the employer's business at
- 25 the employer's business location where an unauthorized alien
- 26 was employed by the employer; or
- 27 (2) if a license is not necessary at the employer's business
- 28 location described in subdivision (1), that are held by the
- 29 employer for the employer's primary place of business.
- 30 (b) If an employer fails to file a sworn affidavit required under
- 31 section 17(a)(1)(C) of this chapter with the department within
- 32 three (3) business days after the order requiring the filing of the
- 33 affidavit is issued, the administrative law judge may order the
- 34 appropriate agencies to suspend all licenses that are held by the
- 35 employer. All licenses suspended under this subsection may remain
- 36 suspended until the employer files a sworn affidavit described in
- 37 section 17(a)(1)(C) of this chapter with the department.
- 38 (c) If an employer subject to an order filed under subsection (b)
- 39 files a sworn affidavit required under section 17(a)(1)(C) of this
- 40 chapter, the administrative law judge may order the appropriate
- 41 agencies to reinstate the employer's suspended licenses.
- 42 **Sec. 19. If:**
- 43 (1) an administrative law judge determines that an employer
- 44 knowingly employed an unauthorized alien in a second
- 45 violation of section 11 of this chapter; and
- 46 (2) the violation referred to in subdivision (1) occurred not
- 47 later than five (5) years after the date of the initial violation;

1 the administrative law judge may order the appropriate agencies
2 to suspend, for not more than ten (10) business days, all licenses
3 described in section 18(a) of this chapter that are held by the
4 employer.

5 Sec. 20. (a) If:

6 (1) an administrative law judge determines that an employer
7 knowingly employed an unauthorized alien in a third violation
8 of section 11 of this chapter; and

9 (2) the violation referred to in subdivision (1) occurred not
10 later than five (5) years after the date of the initial violation;
11 the administrative law judge may order the appropriate agencies
12 to revoke for a period of time determined by the administrative law
13 judge or permanently revoke all licenses held by the employer that
14 are described in section 18(a) of this chapter.

15 (b) An employer may petition the governor under IC 4-21.5-3-30
16 to review an order issued by an administrative law judge revoking
17 the employer's license or licenses.

18 Sec. 21. (a) An employer may, after the employer has exhausted
19 all administrative and judicial remedies, request the governor to
20 terminate or reduce the term of revocation of the employer's
21 license or licenses under an order issued by an administrative law
22 judge under section 20 of this chapter.

23 (b) The governor may terminate or reduce the term of
24 revocation of an employer's license or licenses under an order
25 issued by an administrative law judge under section 20 of this
26 chapter and require the appropriate agency to reinstate the
27 employer's license.

28 Sec. 22. (a) If an agency receives an order from an
29 administrative law judge under section 17(a)(2), 18(b), or 19 of this
30 chapter, the agency shall immediately suspend the license or
31 licenses described in section 18(a) of this chapter that are held by
32 the employer to which the order relates.

33 (b) If an agency receives an order from an administrative law
34 judge under section 20 of this chapter, the agency shall
35 immediately revoke the license or licenses described in section
36 18(a) of this chapter that are held by the employer to which the
37 order relates.

38 Sec. 23. An administrative law judge shall send copies of all
39 orders issued under sections 17, 18, 19, and 20 of this chapter to the
40 attorney general.

41 Sec. 24. (a) In determining whether an individual is an
42 unauthorized alien for purposes of this chapter, an administrative
43 law judge may consider only the federal government's verification
44 or status information provided under 8 U.S.C. 1373(c).

45 (b) The federal government's verification or status information
46 provided under 8 U.S.C. 1373(c) creates a rebuttable presumption
47 of an individual's lawful status.

1 (c) An administrative law judge may:

2 (1) take notice of the federal government's verification or
3 status information; and

4 (2) request the federal government to provide automated or
5 testimonial verification under 8 U.S.C. 1373(c).

6 Sec. 25. The department may not initiate an administrative
7 proceeding against an employer under section 15 of this chapter
8 for knowingly employing an unauthorized alien if the employer
9 verified the employment authorization of the employed individual
10 through the pilot program.

11 Sec. 26. An employer may establish as an affirmative defense
12 against an alleged violation under section 11 of this chapter that
13 the employer complied in good faith with the requirements of 8
14 U.S.C. 1324a(b).

15 Sec. 27. The attorney general shall:

16 (1) maintain copies of orders received under section 23 of this
17 chapter;

18 (2) make the orders available on the attorney general's
19 Internet web site; and

20 (3) establish and maintain a data base of the names and
21 addresses of the employers that have a violation under this
22 chapter.

23 Sec. 28. This chapter does not require an employer to take any
24 action that the employer believes in good faith would violate
25 federal law.

26 Sec. 29. After June 30, 2009, an employer shall verify the
27 employment eligibility of each employee of the employer through
28 the pilot program after hiring the employee.

29 Sec. 30. A person who files a complaint with the attorney
30 general under this chapter, knowing that the complaint is false or
31 frivolous, commits a Class B misdemeanor.

32 Sec. 31. The suspension or revocation of a license under this
33 chapter does not relieve an employer from an obligation to
34 withhold, collect, or pay income tax on wages paid by the employer
35 to an employee.

36 Sec. 32. This chapter shall be enforced without regard to race or
37 national origin.

38 SECTION 3. IC 22-5-1.7 IS ADDED TO THE INDIANA CODE
39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2008]:

41 Chapter 1.7. Public Contract for Services; Unauthorized Aliens

42 Sec. 1. As used in this chapter, "contractor" means a person
43 that has or is attempting to enter into a public contract for services
44 with a state agency or political subdivision.

45 Sec. 2. As used in this chapter, "person" means an individual, a
46 corporation, a limited liability company, a partnership, or another
47 legal entity.

1 **Sec. 3.** As used in this chapter, "political subdivision" has the
 2 meaning set forth in IC 36-1-2-13. However, the term does not
 3 include a hospital organized and operated under IC 16-22-2,
 4 IC 16-22-8, or IC 16-23.

5 **Sec. 4.** As used in this chapter, "public contract for services"
 6 means any type of agreement between a state agency or a political
 7 subdivision and a contractor for the procurement of services.

8 **Sec. 5.** As used in this chapter, "state agency" has the meaning
 9 set forth in IC 4-6-3-1.

10 **Sec. 6.** As used in this chapter, "subcontractor" means a person
 11 that:

12 (1) is a party to a contract with a contractor; and

13 (2) provides services for work the contractor is performing
 14 under a public contract for services.

15 **Sec. 7.** As used in this chapter, "unauthorized alien" has the
 16 meaning set forth in 8 U.S.C. 1324a(h)(3).

17 **Sec. 8.** A state agency or political subdivision may not enter into
 18 or renew a public contract for services with a contractor if the
 19 state agency or political subdivision knows that the contractor or
 20 a subcontractor of the contractor employs or contracts with an
 21 unauthorized alien.

22 **Sec. 9.** Before a state agency or political subdivision may enter
 23 into a public contract for services with a contractor, the contractor
 24 shall certify in a manner that does not violate federal law that the
 25 contractor, at the time of the certification, does not employ or
 26 contract with an unauthorized alien.

27 **Sec. 10. (a)** A contractor or a subcontractor may not knowingly
 28 employ or contract with an unauthorized alien.

29 (b) If a contractor or subcontractor violates this section, the
 30 state agency or political subdivision may file a complaint
 31 concerning the violation by the contractor or subcontractor with
 32 the attorney general under IC 22-5-1.5.

33 **Sec. 11.** If a contractor uses a subcontractor, the subcontractor
 34 shall certify to the contractor in a manner that does not violate
 35 federal law that the subcontractor, at the time of certification, does
 36 not employ or contract with an unauthorized alien.

37 **Sec. 12.** A contractor shall maintain on file a certification of a
 38 subcontractor under section 11 of this chapter throughout the
 39 duration of the term of a contract with the subcontractor.

40 **Sec. 13. (a)** If a contractor determines that a subcontractor is in
 41 violation of this chapter, the contractor may terminate a contract
 42 with the subcontractor for the violation.

43 (b) A contract terminated under subsection (a) for a violation of
 44 this chapter by a subcontractor may not be considered a breach of
 45 contract by the contractor or the subcontractor.

46 (c) A subcontractor may file an action with a circuit or superior
 47 court having jurisdiction in the county to challenge a termination

1 of a contract under subsection (a) not later than twenty (20) days
 2 after the contractor terminates the contract with the
 3 subcontractor."

4 Page 8, between lines 26 and 27, begin a new paragraph and insert:
 5 "SECTION 13. IC 34-30-2-87.3 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2009]: **Sec. 87.3. IC 22-5-1.5-25 (Concerning**
 8 **certain employers that employ unauthorized aliens).**

9 SECTION 4. [EFFECTIVE JULY 1, 2009] **The department of**
 10 **labor may initiate an administrative proceeding against an**
 11 **employer under IC 22-5-1.5-15, as added by this act, only for a**
 12 **violation of IC 22-5-1.5-11, as added by this act, that occurs after**
 13 **June 30, 2009.**

14 SECTION 5. [EFFECTIVE JULY 1, 2008] (a) **The attorney**
 15 **general may request funding to implement IC 22-5-1.5-12, as added**
 16 **by this act, in the next biennial budget submission.**

17 (b) **This SECTION expires July 1, 2012.**

18 SECTION 6. [EFFECTIVE JULY 1, 2008] (a) **As used in this**
 19 **SECTION, "law enforcement officer" has the meaning set forth in**
 20 **IC 10-11-2-21.5, as added by this act.**

21 (b) **There is appropriated to the state police department one**
 22 **million dollars (\$1,000,000) from the state general fund for the**
 23 **state police department's use in training law enforcement officers**
 24 **under a memorandum of understanding entered into under**
 25 **IC 10-11-2-21.5, as added by this act.**

26 (c) **Money appropriated by this SECTION does not revert to the**
 27 **state general fund at the close of any fiscal year, but remains**
 28 **available for the use of the state police department until the**
 29 **provisions of IC 10-11-2-21.5, as added by this act, are fulfilled.**

30 SECTION 7. [EFFECTIVE JULY 1, 2008] (a) **The definitions in**
 31 **IC 22-5-1.5, as added by this act, apply throughout this SECTION.**

32 (b) **There is appropriated to the attorney general five hundred**
 33 **thousand dollars (\$500,000) from the state general fund for the**
 34 **attorney general's use in investigating complaints filed with the**
 35 **attorney general under IC 22-5-1.5-12, as added by this act, that an**
 36 **employer knowingly employed an unauthorized alien in violation**
 37 **of IC 22-5-1.5-11, as added by this act.**

38 (c) **Money appropriated by this SECTION does not revert to the**
 39 **state general fund at the close of any fiscal year, but remains**
 40 **available for use by the attorney general until the provisions of**
 41 **IC 22-5-1.5, as added by this act, are fulfilled.**

42 SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 43 **SECTION, "commission" refers to the commission on**
 44 **Hispanic/Latino affairs established by IC 4-23-28-2.**

45 (b) **The commission shall study and prepare a report on:**

46 (1) **the requirements a person must meet to qualify for**
 47 **naturalization; and**

(2) the process by which United States citizenship is conferred upon a person.

(c) The commission shall submit the report prepared in accordance with subsection (b) to the legislative council in an electronic format under IC 5-14-6 before July 1, 2009.

(d) There is appropriated to the commission fifty thousand dollars (\$50,000) from the state general fund for the commission's use in studying and preparing a report on the topics listed in subsection (b). Any amount of the appropriated funds under this subsection that is not used or encumbered reverts to the state general fund after June 30, 2009.

(e) This SECTION expires January 1, 2010.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission established under subsection (b).

(b) The immigration cost impact commission is established.

(c) The commission consists of the following members:

(1) The executive director of the department of homeland security or the director's designee.

(2) The commissioner of the department of labor or the commissioner's designee.

(3) The chairperson of the commission on Hispanic/Latino affairs established by IC 4-23-28-2 or the chairperson's designee who is a member of the commission on Hispanic/Latino affairs.

(4) The secretary of family and social services or the secretary's designee.

(5) The state superintendent of public instruction or the state superintendent's designee.

(6) The commissioner of the department of correction or the commissioner's designee.

(7) A representative of the business community.

(8) A representative of organized labor.

(9) A representative of hospital associations.

(10) Two (2) members of the senate, who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(11) Two (2) members of the house of representatives, who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

The governor shall appoint the members designated by subdivisions (7) through (9).

(d) The members of the commission shall select one (1) of the appointed members to serve as chairperson and one (1) of the appointed members to serve as vice chairperson.

(e) The commission shall meet at the call of the chairperson. The commission shall meet at least one (1) time quarterly.

1 (f) The affirmative votes of a majority of the voting members
2 appointed to the commission are required by the commission to
3 take action on any measure, including a final report.

4 (g) Each member of the commission who is not a state employee
5 is entitled to the minimum salary per diem provided by
6 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
7 for traveling expenses as provided under IC 4-13-1-4 and other
8 expenses actually incurred in connection with the member's duties
9 as provided in the state policies and procedures established by the
10 Indiana department of administration and approved by the budget
11 agency.

12 (h) Each member of the commission who is a state employee is
13 entitled to reimbursement for traveling expenses as provided under
14 IC 4-13-1-4 and other expenses actually incurred in connection
15 with the member's duties as provided in the state policies and
16 procedures established by the Indiana department of
17 administration and approved by the budget agency.

18 (i) The commission shall study and prepare a report on the
19 following:

20 (1) The financial impact of individuals who are unlawfully
21 present in the United States on the following in Indiana:

22 (A) Education.

23 (B) Health care.

24 (C) The criminal justice system, including court and
25 attorney costs and costs of incarceration.

26 (D) Welfare.

27 (2) The impact of individuals who are unlawfully present in
28 the United States on the following in Indiana:

29 (A) Wages.

30 (B) State and local agencies and offices that issue or are
31 required to check identification.

32 (3) Issues related to the following:

33 (A) The state's authority and responsibility concerning a
34 child who:

35 (i) is a United States citizen; and

36 (ii) has a parent who was or both parents who were
37 deported for violation of immigration laws.

38 (B) The societal and familial impact of deportation of a
39 family member.

40 (j) The commission shall submit the report prepared in
41 accordance with subsection (i) to the legislative council in an
42 electronic format under IC 5-14-6 before July 1, 2009.

43 (k) There is appropriated to the commission fifty thousand
44 dollars (\$50,000) from the state general fund for the commission's
45 use in studying and preparing a report on the topics listed in
46 subsection (i). Any amount of the appropriated funds under this
47 subsection that is not used or encumbered reverts to the state

- 1 **general fund after June 30, 2009.**
- 2 **(l) This SECTION expires January 1, 2010."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 345 as printed February 15, 2008.)

Representative Tincher